THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7239 of 2006

13.04.2006

Between:

P.Mangamma

...Petitioner

Vs.

The Collector & District Magistrate, Hyderabad and others.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7239 OF 2006

ORDER:

Petitioner claims that she has been in possession of land admeasuring 110 square yards in survey No.127 (corresponding to T.S.No.1), Ward No.8, Block 4, Yusufguda since 1994, where she constructed a house. She also alleges that she obtained water supply connection from Hyderabad Metro Water Supply and Sewerage Board, and electrical connection from Andhra Pradesh State Electricity Board (APSEB). She made an application to the first respondent requesting to regularise her possession in accordance with the orders of the Government of Andhra Pradesh in G.O.Ms.No.515, dated 19.04.2003. By an order bearing No.R2/2544/2004, dated 13.03.2006, first respondent rejected the application for regularisation. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the petitioner is in possession of the land, where she constructed house, obtained electricity connection and therefore, the impugned order passed by the District Collector is without application of mind.

The application of the petitioner was examined with reference to the conditions stipulated in G.O.Ms.No.1601, dated 29.08.2005. These conditions are as under.

12(ii) The encroachment should be on or before 31.03.1990

12(iii) There shall be residential or commercial structure existing on the land

12(iv) The extent of land encroached upon by the encroacher should not be in violation of the provisions of the urban land ceiling act.

12(v) The regularisation will be strictly limited to case, where the encroachment is unobjectionable.

A plain reading of the above conditions would show that the Government Order provides for regularisation of encroachment only if there is a residential or commercial structure on the land encroached upon. The application made by the petitioner was placed before the requisition committee. The said committee in its meeting held on 17.12.2005 placing reliance on the report submitted by the Mandal Revenue Officer, Khairatabad on 21.12.2003 and Revenue Divisional Officer on 16.11.2005 came to the conclusion that the land in respect of which requisition was sought being vacant land, the request for regularisation cannot be considered.

The learned counsel places reliance on the Slab Pass Book for Electricity Charges issued by APSEB. A perusal of the same would show that the same was issued in respect of premises bearing No.8-4-169/119/41, whereas the petitioner claimed requisition in respect of premises bearing No.8-4-369/169/52. There is a glaring difference in respect of the property for which requisition was claimed and the premises which is allegedly in possession of the petitioner. In view of this, this Court does not find any infirmity in the impugned proceedings. Further more, it is a disputed question of fact, which cannot be decided in the writ petition on the basis of the evidence placed before this Court. If so advised, the petitioner may approach the first respondent again by placing appropriate evidence.

The writ petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO,J)

13.04.2006

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